

## DEBES LAW FIRM

ROBERT R. DEBES, JR.

October 2, 2007

Via Fax: 210.614.6403

Edward L. Pina  
The Arial House  
8118 Datapoint Drive  
San Antonio, Texas 78229

Re: Civil Action No. 07-ca-695-xr; *Johnny Bernal, et al vs. Vankar Enterprises, Inc. d/b/a Babcock Bar, et al.*; In the United States District Court for the Western District of Texas – San Antonio Division

Dear Edward:

Per our telephone conference the other day, I went ahead and filed (this morning) the unopposed motion for leave to file amended complaint. If you didn't receive it, please let me know and I will be happy to send you a copy via fax or email.

I would like to advise the Court not to rule on your 12b and 12e motions (as stated in your original answer) in light of our agreement concerning the amended pleadings. Please sign your name in the space below to reflect our agreement that the Court does not need to rule on the 12b and/or 12e motions as we have both agreed to amend our pleadings. Obviously, this does not waive your right to file 12b or 12e motions for deficiencies in our amended or future pleadings, if any. Thanks.

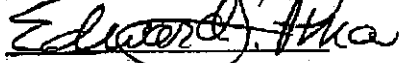
Very truly yours,

DEBES LAW FIRM



Robert R. Debes, Jr.

AGREED:



Edward Pina, for Defendants